

SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MIRACLE WASHAM,)	
)	
Plaintiff,)	
Vs.)	CIVIL ACTION NO. 1:17- 223
)	
)	
U.S. OUTFITTERS, LLC,)	
and MIKE EATMAN,)	
)	
)	
Defendants.)	

COMPLAINT AND JURY DEMAND

I. JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § § 1331, 1343(3), 1343(4), 2201 and 2202. This is a suit pursuant to federal statute and the tort laws of the State of Alabama. It is brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended by the Civil Rights Act of 1991, and pursuant to the laws of the State of Alabama. The jurisdiction of this Court is invoked to secure protection for and redress deprivation of right secured by Title VII, providing for equitable and legal relief against sexual harassment, sex discrimination, and retaliation. The state law claims against Mike Eatman are brought pursuant to pendant jurisdiction.
2. The plaintiff filed her charge with the EEOC, and has received her right to sue and has filed this complaint within 90 days of receipt thereof. (See attached)

II. PARTIES

3. The plaintiff, Miracle Washam is a female citizen of the United States and a resident of the State of Alabama. The plaintiff was an employee of U.S. Outfitters, LLC working at BAE Systems as an insulator in their ship building facility in Mobile, Alabama.
4. The defendant, U.S. Outfitters, LLC, is an employer as defined by Title VII at all times relevant hereto. It employed at least fifteen persons and did business in this judicial district and division at all times during the alleged events in this complaint. This defendant did business in Alabama and is thus subject to jurisdiction for all state law claims.
5. The defendant, Mike Eatman is a resident of the State of Alabama.

III. ALLEGATIONS OF FACTS

6. The plaintiff re-alleges and incorporates by reference paragraphs 1-5 above with the same force and effect as if fully set out in specific detail here-in-below.
7. The plaintiff was hired in August of 2015. Following her employment Mr. Eatman began sexually harassing the plaintiff. The sexual harassment was continuous until the plaintiff transferred to another location. The harassment included but was not limited numerous inappropriate comments and inappropriate touching. Specifically, Mr. Eastman brushed up against

Plaintiff in a sexual way and was told not to do it again. The next day while Plaintiff was working on a ladder, Mr. Eatman came underneath her and grabbed her genitals and rubbed her bottom.

8. Plaintiff reported Mr. Eatman's conduct to his immediate supervisor but was told that if she reported it she would be fired. She then went to a higher supervisor who told her to fill out a statement. About 15 minutes later, he came and told Plaintiff that he was going to fire her because the harasser had witnesses who said that she has shown the harasser a nude picture of herself on her phone. Plaintiff denied this and invited the supervisor to look at her phone. He refused and terminated Plaintiff. All the witnesses against her were male.

IV. CAUSES OF ACTION

CLAIM I. TITLE VII

12. Paragraphs 1-11 are hereby re-alleged and incorporated herein.
13. The defendant, U.S. Outfitters, LLC, unlawfully discriminated against the plaintiff. The plaintiff was sexually harassed and terminated because she reported sexual harassment.
14. The actions of the defendant created a hostile environment for the plaintiff. The sexual harassment was a violation pursuant to Title VII. Likewise, the termination of the plaintiff was retaliation for making a complaint of sexual

harassment.

15. The actions of the defendant were willful and taken with reckless disregard for the plaintiff's federally protected rights.
16. The plaintiff had no plain, adequate or complete remedy at law to redress the wrongs alleged herein, and this suit for injunctive, declaratory and other relief is her only means adequate redress. The plaintiff is now suffering and will continue to suffer irreparable injury from the defendant's unlawful policies and practices as set forth herein unless enjoined by this Court.

CLAIM II – INVASION OF PRIVACY

17. Paragraphs 1-16 are hereby re-alleged and incorporated herein.
18. This claim is brought against defendant Eatman.
19. The actions the defendant amounted to an invasion of the plaintiff's privacy.

CLAIM III - ASSAULT AND BATTERY

20. Paragraphs 1-19 are hereby re-alleged and incorporated herein.
21. This claim is brought against defendant Eatman.
22. The actions of the defendant constituted an assault and battery on the plaintiff.

CLAIM IV- TORT OF OUTRAGE

24. This claim is brought against defendant Eatman.
25. The actions of the defendant were so outrageous in character and extreme in degree as to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized society causing emotional distress so severe that no reasonable person could be expected to endure it.

CLAIM V- NEGLIGENT AND WANTON SUPERVISION

26. Paragraphs 1-25 are hereby re-alleged and incorporated herein.
27. This claim is brought against U.S. Outfitters, LLC.
28. The actions of the defendant of allowing the sexual harassment and retaliation to occur were the result of negligent or wanton supervision.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff respectfully prays that this Court will assume jurisdiction of this action and after trial:

1. Grant plaintiff a declaratory judgment holding that the actions of the defendant violated the rights of the plaintiff as guaranteed by Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.
2. Grant the plaintiff a permanent injunction enjoining the above defendant, U.S. Outfitters, LLC, its agent, successors, employees, attorneys and those acting

in concert with them and at their request from continuing to violate Title VII.

3. Enter an Order requiring the above defendant, U.S. Outfitters, LLC to make the plaintiff whole by awarding monetary damages, nominal damages, compensatory damages, and punitive damages for the violation of Title VII.
4. The plaintiff prays for such other relief and benefits as the cause of justice may require, including but not limited to an award of costs, attorney's fees and expenses.
5. The Plaintiff prays for compensatory and punitive damages for the violation of state law claims against defendant, Michael Eatman.

Respectfully submitted,

/s/C. Michael Quinn
C. Michael Quinn
Attorney for Plaintiff

/s/Sherrie V. McKenzie
Sherrie V. McKenzie
Attorney for Plaintiff

THE PLAINTIFF DEMANDS TRIAL BY STRUCK JURY

/s/C. Michael Quinn
Of Counsel

THE PLAINTIFF DEMANDS TRIAL BY STRUCK JURY

/s/C. Michael Quinn
Of Counsel

Defendant's Addresses:

U.S. Outfitters, LLC
660 Dunlap Drive
Mobile, Al. 36602